



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 3 2008

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

USDA Forest Service  
Attention: Roadless Area Conservation - Idaho  
Mr. Brad Gilbert, Team Leader  
P.O. Box 162909  
Sacramento, CA 95816-2909

Dear Mr. Gilbert:

Pursuant to our responsibilities under section 309 of the Clean Air Act, and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Forest Service's (FS) Final Environmental Impact Statement (EIS) for Roadless Area Conservation on National Forest System (NFS) lands in Idaho, and the accompanying rule at 36 CFR Part 294. Our comments highlight areas in the Final EIS and changes to the rule related to issues EPA raised in its comments on the Draft EIS and Proposed Rule.

The Final EIS and rulemaking respond to the November 2006, Idaho State Petition to the Roadless Area Conservation National Advisory Committee. The final rule will provide State specific direction for the conservation and management of 250 inventoried roadless areas (IRAs) in Idaho, and replace management direction under the 2001 Roadless Rule. The final rule establishes five management themes to clarify management direction in the 9.3 million acres of IRAs, but does not prescribe site specific activities or commit resources. Impacts of site specific actions will be disclosed through NEPA project level analyses for site specific decisions. All Idaho Forest Management Plans (FMPs) must comply with the rule; FMPs cannot change elements of the rule through plan amendments. Designated "Forest Plan Special Areas" (344,500 acres) are not subject to the rule, and will continue to be managed under the FMPs.

The final rule takes into account State and local scenarios for protecting roadless areas and the benefits associated with these areas in the Idaho NFS lands while integrating national objectives for maintaining roadless area values and characteristics. The rule should provide protection to lands where roadless area values are an integral part in the management of healthy, sustainable ecosystems. Moreover, selection of the preferred alternative, Alternative 4 (Modified Idaho Roadless Rule) is responsive to our comments on the Draft EIS concerning:

1) Water quality and Phosphate Mining - The Final EIS further addressed potential impacts to surface water, ground water and their beneficial uses. In addition, the Final EIS further considered the potential adverse impacts of roads for phosphate mining and the selenium contamination.

2) Disposition of Temporary Roads - Appendix O in the Final EIS added specific direction regarding the duration and closure of temporary roads and permission for road construction/reconstruction related to timber cutting, sales and removal, as well as access to phosphate deposits in the Back Country theme.

3) Significant Risk - The definition of "significant risk", which is adopted from the Healthy Forest Restoration Act (HFRA), and the use of significant risk conditions were clarified in the Final EIS. The implementation of various actions related to Wildland Urban Interface, Community Protection Zones and Community Water Supply Areas and Municipal Water Supply Systems was also further defined.

As noted above, the Final EIS and rule have addressed our concerns about the action. Moreover, we would like to commend the Forest Service and the State of Idaho for increasing the amount of acres in the Wildland, Primitive and Back country themes; clarifying the restrictions and permissions for road construction/reconstruction in areas associated with municipal water supplies; restricting road construction for leasable minerals (except phosphate), and requiring a public comment period for all future rule changes. However, we would like to raise the following two points regarding issues associated with the final rule.

- 1) The Final EIS stated that over the next 15 years the possibility of 1,110 acres of road construction for phosphate access in IRAs is reasonably foreseeable. Over the next 50 years 6,100 acres of leased/unmined phosphate located in 7 IRAs will likely be developed. Impaired waters on the Clean Water Act section 303(d) list (at least one for selenium) and 640 acres of community water supply areas are located in the IRAs. Monitoring, best management practices and other environmental commitments can reduce the potential for adverse impacts such as selenium mobilization and migration from the mine site. However, without actual knowledge of the specific mitigation measures and because of past complex issues with selenium, the potential for adverse impacts to water quality continues to be an issue. With this in mind, EPA has a continued commitment to work with the Forest Service and other stakeholders to develop adequate mitigation measures through the NEPA process for the approval of projects involving mining.
- 2) Further, we recognize that there are roadless areas to which the Final Roadless Rule will not apply (Forest Plan Special Areas). EPA is similarly committed to working with the Forest Service in these areas to ensure that any future management actions (particularly as they relate to ski resort expansions) are fully protective of community water supplies, water quality, and stream conditions.

We appreciate the opportunity to provide comments and if I can provide additional information please contact me at (202) 564-5400 or Elaine Suriano of my staff at (202) 564-7162.

Sincerely,

A handwritten signature in black ink that reads "Susan E. Bromm". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Susan E. Bromm  
Director  
Office of Federal Activities